

I would like to comment on the petition by Maritel for extension of buildout and change of service.

I object to the granting of this petition on several grounds:

- 1) The international allocation of these frequencies is for Marine Operator and Ship to Shore services, not AIS based vessel location systems. Assignment of frequencies in conflict with international allocations is contrary to the commission's, purpose and, more importantly, may put the US allocations in conflict with international law.
- 2) AIS has already been allocated certain frequencies on a primary basis internationally. The need for additional frequencies for AIS has not been demonstrated.
- 3) Cellular companies do not generally cover the coastal waters intentionally, and therefore marine coverage is not reliable, nor consistent nor guaranteed. To obtain the same reliability and consistency as the marine operator system would have provided, one would have to use Globalstar or Iridium satellite phones, which are significantly more expensive. While not beyond the means of the commercial shipping interests, they are not within the means of the average recreational boater.
- 4) The existing VHF Marine frequencies are becoming increasingly congested. This allocation represents 10 of the 50 available frequencies in the US. In contrast the USCG is only allocated 4 working frequencies, one calling frequency and one emergency frequency for all of its missions including life and safety. The recreational boater is only allowed one calling channel and 5 working channels for the majority of coastal waters. In many locations these frequencies are congested and almost unusable. The allocation of such a significant portion of the available frequencies to a single licensee for an untested, unproven, and possibly not commercially viable system is not in the best interest of the boating public at large nor the commercial shipping industry. I propose that the public interest would be better served by reallocation of these frequencies to either USCG usage or the general public for ship to ship communications.
- 5) One benefit of the buildout of the DSC network in the original Maritel proposal would have been the presence of a complete DSC network secondary to the one being created by USCG, providing a secondary path for emergency assistance for vessels equipped with DSC. Since that network is now not going to be completed, proof that the public interest will be better served by this new service being proposed versus the reallocation of these frequencies to the general pool or allocation to other services for the boating public needs to be provided. It has not been provided in this petition.
- 6) Granting Maritel the right to use these frequencies for an alternative service (AIS) not specified in the original auction effectively blocks all other non-winning participants in the auction from being able to provide the service, and all but eliminates the possibility of the service ever being offered. Maritel's assertion that it is not cost effective nor economically viable to create the network originally

- envisioned does not necessarily apply to other potential parties who would, if permitted, offer the services originally specified in the auction. Before granting the frequencies to an alternative use, attempts should be made to see if in fact there is no party willing or able to provide the service originally specified for these frequencies in the auction.
- 7) In all of the comments filed in favor of increased flexibility, the applicants have a vested commercial interest in the offering of additional spectrum for land mobile services. No consideration has been given to the potential for interference with maritime operations on these frequencies.
  - 8) There are considerable issues to be considered with respect to international treaties governing the usage of these frequencies. The US has already departed from these standards in order to reallocate half of the duplex pairs of certain frequencies to land mobile usage. Additional reallocation of these frequencies should not be undertaken without consideration of the effects of this reallocation on international vessels, treaties, and radio traffic.
  - 9) The frequencies involved, although considered “line of sight” VHF are capable of “skip” behavior under the right ionospheric circumstances. Thus the possibility of interference with legitimate usage by international vessels in waters off Florida, Canada, the Great Lakes, California, and Texas (to name just a few areas) is a reality that must be taken into account.

Therefore, I request the commission deny this petition, and instead require that the usage of these frequencies remain restricted to ship to ship and ship to shore operations. Further, I recommend that they find that Maritel, being unable to complete construction in a timely matter, forfeit their claim to these frequencies, and they be reallocated to the U.S. Coast Guard.

Sincerely,

Tony Drake